

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BRIAN HOLOFCHAK,)
)
 Plaintiff,)
)
 v.) No. 09 C 5204
)
 MICHAEL J. ASTRUE, Commissioner)
 of the Social Security)
 Administration,)
)
 Defendant.)

MEMORANDUM ORDER

Commissioner of Social Security Michael Astrue ("Commissioner") has filed a timely Fed. R. Civ. P. 59(e) motion to alter the judgment entered by this Court on September 28, 2010. Because the motion is well taken, it is granted.

Accordingly this Court:

1. vacates the order that remanded this action to Commissioner pursuant to both sentences four and six of 42 U.S.C. §405(g);
2. in lieu of that order, reverses Commissioner's decision and remands this action pursuant to sentence four only, with any additional relevant evidence submitted by plaintiff Brian Dale Holofchak to be considered on remand (see, e.g., Campbell v. Shalala, 988 F.2d 742, 745 (7th Cir. 1993)); and
3. terminates this action in this District Court.

This is a final judgment order.



Milton I. Shadur
Senior United States District Judge

Date: October 29, 2010